

Applicants: Stephen P. Goff and Guangxia Gao
U.S. Serial No.: 10/568,396
Filed: August 31, 2006
Page 7 of 10 of August 18, 2009 Amendment

Amendments to the Drawings:

Please replace current Figures 3A-3C with the replacement Figures 3A-3C attached hereto as **Exhibit B.**

Applicants: Stephen P. Goff and Guangxia Gao
U.S. Serial No.: 10/568,396
Filed: August 31, 2006
Page 8 of 10 of August 18, 2009 Amendment

Sequence Listing:

Please insert into the application the Sequence Listing attached hereto as **Exhibit C.**

Applicants: Stephen P. Goff and Guangxia Gao
U.S. Serial No.: 10/568,396
Filed: August 31, 2006
Page 9 of 10 of August 18, 2009 Amendment

Remarks

The July 22, 2009 Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures indicates that the application fails to comply with 37 C.F.R. §§1.821-1.825. Applicant attaches hereto a copy of the Notice as **Exhibit A**.

In response, applicant attaches hereto a paper copy Sequence Listing as **Exhibit C**, a Statement in accordance with 37 C.F.R. §1.821(f)and(g) as **Exhibit D**, and a computer readable format Sequence Listing as **Exhibit E**.

The computer readable format Sequence Listing and paper copy Sequence Listing contain no new matter as required by 37 C.F.R. §1.821 and 37 C.F.R. §1.825.

Applicant has amended the specification to include the appropriate references to the sequence identification numbers. Applicant has also added the appropriate sequence identification numbers to Figure 3B and a replacement sheet for Figures 3A-3C is attached hereto as **Exhibit B**.

Applicants: Stephen P. Goff and Guangxia Gao
U.S. Serial No.: 10/568,396
Filed: August 31, 2006
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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicant
Cooper & Dunham LLP
30 Rockefeller Plaza
New York, New York 10112
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

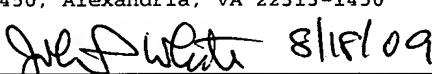
 8/18/09
John P. White Date
Registration No. 28,678

EXHIBIT A

**AMENDMENT IN RESPONSE TO JULY 22, 2009 NOTICE
TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

Serial No. 10/568,396

Filed: August 31, 2006

Applicants: Stephen P. Goff and Guangxia Gao

5575/67489-PCT-US

JPW/BJR/m



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, DC 20231
www.uspto.gov

| | | | |
|--|--------------------------|---|--|
| APPLICATION NO. /CONTROL NO. 10568396 | FILING DATE 8/31/2006 | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION GOFF ET AL. | ATTORNEY DOCKET NO. 67489-PCT-US/JPW/JW |
|--|--------------------------|---|--|

| |
|---------------------------|
| EXAMINER SAMUEL W. LIU |
|---------------------------|

| | |
|------------------|-------------------|
| ART UNIT 1656 | PAPER 20090709 |
|------------------|-------------------|

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R., §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Web (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)

2. Mailed to:

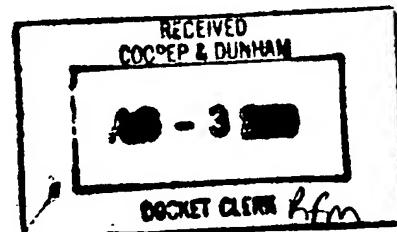
Mail Stop Sequence
 Commissioner for Patents
 P.O. Box 22313 1450
 Alexandria, VA 22313 1450

Sequence Listing Due 8-22-0
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 3mo 10-22-0
 1mo 11-22-0
 5mo 12-22-0
 6mo 1-22-0

3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:

U.S. Patent and Trademark Office
 Mail Stop Sequence
 Customer Window
 Randolph Building
 401 Dulaney Street
 Alexandria, VA 22314

Any inquiry concerning this communication should be directed to Samuel Liu at telephone number (571)272-0949. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew M. Wang, can be reached on 571-272-0811.



| | | | |
|--|------------------------------------|------------------------------------|--|
| Notice to Comply | Application No. 10568396 | Applicant(s) Goff et al. | |
| | Examiner Samuel Wei Liu | Art Unit 1656 | |
| NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES | | | |
| <p>Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).</p> <p>The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). <input checked="" type="checkbox"/> 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c). <input checked="" type="checkbox"/> 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). <input type="checkbox"/> 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." <input checked="" type="checkbox"/> 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). <input type="checkbox"/> 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e). <input checked="" type="checkbox"/> 7. Other: the specification contains peptide sequences without the corresponding SEQ ID NOs: _ (see Quayle Action). Applicants are required to comply with requirements for patent application containing amino acid sequence disclosure. <p>Applicant Must Provide:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> An initial or substitute computer readable form (CRF) copy of the "Sequence Listing". <input checked="" type="checkbox"/> An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification. <input checked="" type="checkbox"/> A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d). <p>For questions regarding compliance to these requirements, please contact:</p> <p>For Rules Interpretation, call (703) 308-4216 or (703) 308-2923 For CRF Submission Help, call (703) 308-4212 or 308-2923 PatentIn Software Program Support Technical Assistance.....703-287-0200 To Purchase PatentIn Software.....703-306-2600</p> <p>PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY</p> | | | |

EXHIBIT B

**AMENDMENT IN RESPONSE TO JULY 22, 2009 NOTICE
TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

Serial No. 10/568,396

Filed: August 31, 2006

Applicants: Stephen P. Goff and Guangxia Gao

BEST AVAILABLE COPY

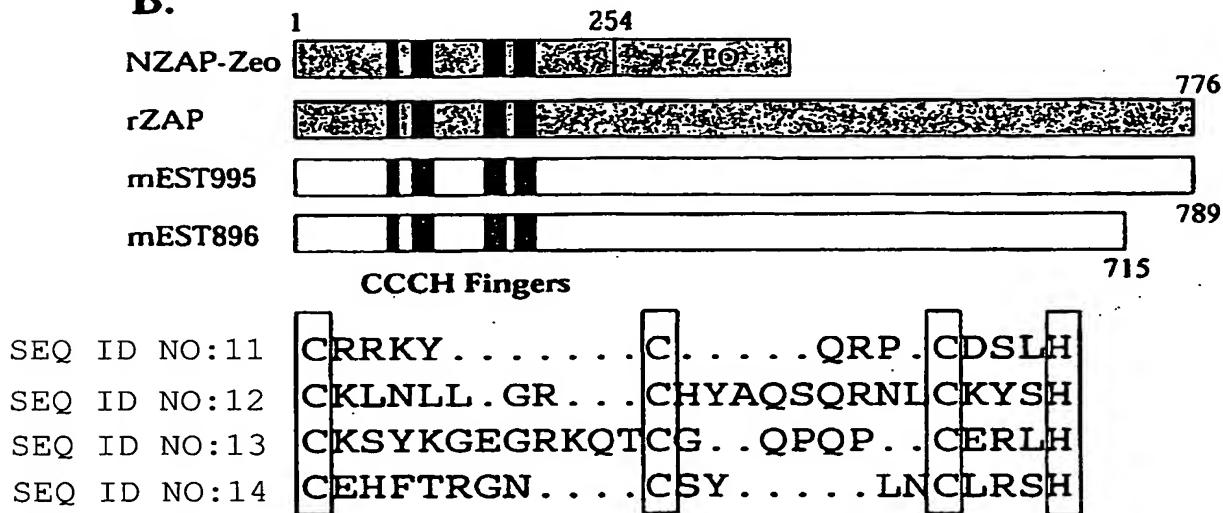
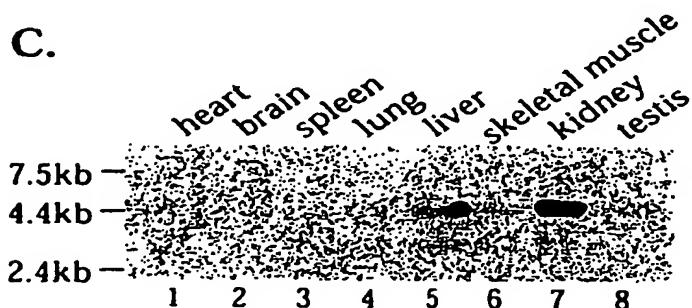
A.**B.****C.****FIGS. 3A - C**

EXHIBIT C

**AMENDMENT IN RESPONSE TO JULY 22, 2009 NOTICE
TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

Serial No. 10/568,396

Filed: August 31, 2006

Applicants: Stephen P. Goff and Guangxia Gao

08_22_09_67489_PCT_US_SeqList
SEQUENCE LISTING

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35 40 45

Phe Val Leu Leu Glu Thr Gly Gly Gln Ala Gly Ile Thr Arg Ser Val
50 55 60

Val Ala Thr Thr Arg Ala Arg Val Cys Arg Arg Lys Tyr Cys Gln Arg
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Pro Cys Asp Ser Leu His Leu Cys Lys Leu Asn Leu Leu Gly Arg Cys
85 90 95

His Tyr Ala Gln Ser Gln Arg Asn Leu Cys Lys Tyr Ser His Asp Val
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Leu Ser Glu Gln Asn Phe Gln Ile Leu Lys Asn His Glu Leu Ser Gly

08_22_09_67489_PCT_US_SeqList

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120

125

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Gly Ala His Arg Asp Arg Ser Lys Ser Arg Asp Arg Phe Leu His Asn
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Ser Leu Glu Phe Leu Ser Pro Val Val Ser Pro Leu Gly Ser Gly Pro
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Pro Ser Pro Asp Val Thr Ser Cys Lys Asp Ser Leu Glu Asp Val Ser
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Val Asp Val Thr Gln Lys Phe Lys Tyr Leu Gly Thr His Asp Arg Ala
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Gln Leu Ser Pro Val Ser Ser Lys Ala Ala Gly Val Gln Gly Pro Ser
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08_22_09_67489_PCT_US_SeqList

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08_22_09_67489_PCT_US_SeqList

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08_22_09_67489_PCT_US_SeqList

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08_22_09_67489_PCT_US_SeqList

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08_22_09_67489_PCT_US_SeqList

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08_22_09_67489_PCT_US_SeqList

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5

08_22_09_67489_PCT_US_SeqList

10

15

Ser His

EXHIBIT D

**AMENDMENT IN RESPONSE TO JULY 22, 2009 NOTICE
TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

Serial No. 10/568,396

Filed: August 31, 2006

Applicants: Stephen P. Goff and Guangxia Gao

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen P. Goff and Guangxia Gao
International Application No. : PCT/US2004/026162
Serial No. : 10/568,396 Examiner : Liu, S.
Filed : August 31, 2006 Art Unit : 1656
For : ZAP PROTEIN AND RELATED COMPOSITIONS AND METHODS

30 Rockefeller Plaza
New York, New York 10112
August 18, 2009

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT IN ACCORDANCE WITH 37 C.F.R. §§ 1.821(f) AND (g)

Pursuant to 37 C.F.R. §1.821(f), I hereby certify that the content of the Sequence Listing enclosed herewith as Exhibit C and the content of the computer readable form of the sequence listing enclosed herewith as Exhibit E are identical. Pursuant to 37 C.F.R. §1.825(a), I hereby certify that the Sequence Listing enclosed herewith as Exhibit C contains no new matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Michael Pearce
Cooper & Dunham LLP
30 Rockefeller Plaza
New York, New York 10112
(212) 278-0400

EXHIBIT E

**AMENDMENT IN RESPONSE TO JULY 22, 2009 NOTICE
TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

Serial No. 10/568,396

Filed: August 31, 2006

Applicants: Stephen P. Goff and Guangxia Gao

File Name:
08_22_09_67489_PCT_US_SeqList
Date Recorded: 08/10/2009
Computer: IBM PC Compatible
Operating System: Windows
Software: PatentIn 3.5
Applicants: Stephen P. Goff & Guangxia
Gao
Serial No: 10/568,396
Filed: August 31, 2006